

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: November 8, 2005

TO: Van Armstrong, Planning Project Manager

FROM: Laura Edmonds, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Pat Giglio, Community Planner

Wm for
LCE

SUBJECT: ZMAP-2004-0024 & SPEX-2004-0041 Brambleton Brandt Property

The Environmental Review Team (ERT) reviewed the subject application during the September 13, 2005, ERT meeting. Our comments pertaining to the current application are as follows:

Regarding Streams, Wetlands, and Buffers

- 1) A wetland delineation is provided on the plan, however the source of the delineation is not identified. Please add a note to the Cover Sheet indicating the source and date of the delineation depicted on the plan and whether or not a Jurisdictional Determination (JD) has been issued by the Army Corps of Engineers (including the JD number and approval date). The Corps-approved delineation is needed to determine if any modifications to the proposed development layout are necessary to accommodate the presence of jurisdictional waters and wetlands. The approved wetland delineation is also instrumental in meeting the wetland permit requirements in FSM 5.310.E and to ensure that the discharge of stormwater pollutants to wetlands will be minimized in accordance with FSM 5.310.F.
- 2) Please provide a separate Concept Development Plan Combined sheet depicting the wetland delineation to facilitate staff review and analysis of the information presented. Currently, the wetland delineation is combined with the Cover Type Inventory, and it is difficult to discern the individual elements presented on the plan. In addition, please clarify the location of jurisdictional waters and add the Legend (including the Forest Stand Habitat Legend where applicable) to the Concept Development Plan Combined sheets.
- 3) Based on the current information provided, it appears that an effort has been made to avoid impacts to jurisdictional wetlands and waters located within the Minor Floodplain along the western property boundary. However, impacts to jurisdictional

A-1

waters and wetlands are currently proposed to accommodate roads, lots, and stormwater management facilities, including proposed forested wetland impacts in the northeast corner of the project adjacent to Relocated 659. Staff recommends that the applicant confer with the Army Corps of Engineers and the Department of Environmental Quality to ensure that the proposed development layout meets the avoidance and minimization criteria of Section 404 of the Clean Water Act and Section 9VAC25-210-115A of the Virginia Water Protection Permit Regulations.

- 4) Staff recommends that a minimum 100-foot riparian buffer be provided adjacent to the Minor Floodplain consistent with the River and Stream Corridor Resources Policies in the Revised General Plan (Page 5-6). The 100-foot buffer should be depicted on the Concept Development Plan and a proffer should be provided establishing that the 100-foot riparian buffer (as measured from the channel scar line) will be preserved in its natural state. Staff notes that this buffer should be expanded to incorporate adjacent steep slopes, where applicable, consistent with plan policies. Currently, given the proximity of the proposed development layout to the Minor Floodplain, the buffer has not been provided in most areas and floodplain encroachments will likely be necessary to facilitate the proposed development.
- 5) Staff recommends that a 50-foot buffer be provided surrounding all jurisdictional waters and wetlands to ensure that these areas will not be disturbed by adjacent development.

Regarding Forest Resources

- 6) Staff recommends that forested Open Space areas, particularly forested riparian corridors, be designated as Tree Conservation Areas to ensure the preservation of these areas and their benefits to water quality. Staff further recommends that a proffer be provided to support tree preservation within these areas incorporating the sample proffer language provided as an attachment to this referral.
- 7) Staff supports tree conservation with Cover Types B, F, and E, as recommended in the Forest Stand Delineation Report submitted with the application. Staff recommends that Tree Conservation Areas be planned with the goal of avoiding fragmentation of existing vegetation in mind. Staff further recommends that a strip of existing vegetation located adjacent to Rt. 659 relocated, a minimum of 50-feet wide, be preserved within a Tree Conservation Area to ensure an adequate buffer between the road and the proposed development.

Regarding Soils

- 8) Please provide a separate Concept Development Plan Combined sheet depicting the soils information in order to facilitate staff review and analysis of this information. A plan sheet depicting the soils and development overlays is not currently provided. Based upon the Existing Conditions Map, it appears that lot development is currently

A-2

proposed in areas with hydric soils. The Preliminary Soils Review to be conducted in conjunction with the preliminary plat typically recommends that basement construction be avoided within hydric soils due to the potential for wetness problems. As a result, staff recommends that a proffer be provided indicating that lots located on hydric soils will be identified on the preliminary and record plat with a note stating "Loudoun County recommends against building houses with basements in hydric soils due to potential severe wetness problems."

Regarding Stormwater Management and Best Management Practices

- 9) Additional stormwater management (SWM)/best management practice (BMP) facilities may be needed to accommodate the proposed development. Please identify the location, size, and type of SWM/BMP facilities proposed on the Concept Development Plan consistent with Item K.4 of the Rezoning Checklist. Staff notes that the SWM/BMP approach for the project should incorporate treatment for Rt. 659 Relocated and the proposed East-West Connector as needed. Staff encourages the applicant to consider incorporating infiltration measures into the SWM/BMP approach for the project within Mapping Unit 73B and in other soils with adequate provision for underdrains.
- 10) Staff recommends that a Stormwater Management Proffer be provided incorporating enhanced SWM/BMP measures. For example, in lieu of extended detention facilities, enhanced extended detention facilities with higher pollutant removal capabilities should be agreed to in the proffer. In general, the proffer should specify that the most efficient pollutant removal BMPs will be used, that existing drainage patterns and hydrology to wetlands will be maintained, and that Low-Impact Design BMPs such as bioretention and sheet flow to vegetated buffer areas will be implemented. Staff further recommends that the applicant consider incorporating open section roads into the development plan to facilitate opportunities for pollutant removal and infiltration.

Regarding the Airport Overlay District

- 11) While it is noted on the Existing Conditions Map that the property is located within the Airport Impact Overlay District and the Ldn boundaries are depicted on the Existing Conditions Map and the Concept Development Plan Combined sheets, staff recommends that a note be added to the cover sheet indicated that portions of the property fall within the Ldn 65, the Ldn 60, and the Ldn 60 1-mile buffer and that disclosure, acoustical treatment, and aviation easements may be required consistent with Section 4-1400 of the 1993 Revised Zoning Ordinance.

Regarding the Existing Conditions Map

- 12) Please depict the location of all existing wells and septic systems on the Existing Conditions Map. In addition, please label the structures identified in the Phase 1 Archeological Report on the Existing Conditions Map.

Regarding Existing Wells and Septics

- 13) Water and sewer serve the proposed development. Drainfields associated with any existing structures to be demolished will need to be abandoned in accordance with Part 10, Chapter 1066.09 of the Loudoun County Code. Wells not donated to the County Monitoring Program will need to be abandoned in accordance with Part 10, Chapter 1040.10 of the Loudoun County Code. Staff encourages that the applicant to consider proffering the donation of one or more of the existing wells to the County Monitoring Program. In particular, the well located within the Open Space in the southeast corner of the development adjacent to the existing structure appears to be accessible from the planned entrance and may be a viable location for a donated well. Existing wells that are donated do not need to be abandoned. Please contact Glen Rubis at (703) 777-0397 for additional information on the County Monitoring Program.

Regarding Digital Data

- 14) The ERT is embarking on a project to map and inventory wetlands and cultural resources located within Loudoun County. We are requesting that the engineering community contribute digital data to this effort. Specifically, two separate digital data layers are requested, one depicting the Corps-approved wetland delineation (including jurisdictional wetlands and waters) and the other locating the sites identified in the Phase 1 Archeological Survey. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable if available. Documentation on the digital data (e.g., map scale, age, etc) would be helpful. The requested information is currently depicted on the rezoning application, however, if this information cannot be provided prior to approval of the rezoning application, staff recommends that a proffer be provided indicating when this information will be submitted to the County.

Please contact me if you need any additional information as you complete your review of the current application.

Sample Tree Conservation Area Proffer

Tree Conservation Areas. Within the areas identified on the Concept Development Plan (CDP) as "Tree Conservation Areas," the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the Property. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development.

If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to a tree conservation area, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.

The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Owner without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: September 14, 2006

TO: Mike Elabarger, Planning Project Manager

FROM: Laura Edmonds, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Pat Giglio, Community Planner

SUBJECT: ZMAP-2004-0024/SPEX-2004-0041 Brambleton Brandt Property 2nd

The Environmental Review Team (ERT) has reviewed the above-referenced application. Staff appreciates the applicant's effort to address the issues identified in the first referral. Our comments pertaining to the revised application are as follows:

Regarding Streams, Wetlands, and Buffers

- 1) Staff acknowledges the revisions to the Concept Development Plan for the purpose of avoiding and minimizing impacts to wetlands, particularly the forested wetlands present in the northeast corner of the project adjacent to Relocated Route 659. However, staff notes that the recommended 50-foot buffer encompassing jurisdictional waters and wetlands is not provided in several areas. Staff has observed that stream degradation is noticeably reduced in areas where 50-foot forested buffers have been incorporated in older developments within the County. Therefore, staff recommends that a minimum 50-foot undisturbed buffer be provided adjacent to jurisdictional waters and wetlands to minimize the effects of the proposed development on water quality. Staff further recommends that the proposed Stormwater Management (SWM)/Best Management Practice (BMP) facilities be reconfigured to avoid disturbances within the 50-foot buffer.
- 2) Impacts to jurisdictional wetlands are currently proposed to accommodate roads and residential and commercial development. Staff encourages the mitigation of wetland and stream impacts close to the impact area to help maintain water quality, flood protection functions, and habitat. This approach is consistent with Policy 23 on Page 5-11 of the Revised General Plan (RGP) which states that "the County will support the federal goal of no net loss to wetlands in the County". Furthermore, the County's strategy is to protect its existing green infrastructure elements and to recapture elements where possible (RGP, Page 6-8, Green Infrastructure Text). Therefore, staff recommends that the applicant commit to prioritize wetland mitigation required for the project as follows: 1) onsite (or within the same watershed), 2) within the same

Planning Policy Area, and 3) within Loudoun County, subject to approval by the Army Corps of Engineers and the Virginia Department of Environmental Quality.

Regarding Forest Resources

- 3) Tree Save Areas have been designated on the Concept Development Plan (Sheet 7) and are addressed by Proffer VI.A; however, the language included in the proffer is not consistent with the suggested language approved by the County Arborist. The current proffer does not outline a minimum area to be preserved (e.g., 80 percent) and is focused on the need to submit a Tree Conservation Plan, which is required by the Loudoun County Facilities Standards Manual (Section 7.302). In addition, the Tree Protection methods outlined in the proffer are inconsistent with County Erosion and Sediment Control Ordinance requirements (silt fence is required surrounding Tree Save Areas). Because of these concerns, staff recommends that the current proffer language be replaced with the attached Sample Tree Conservation Area Language, consistent with other recently approved rezoning applications.

Regarding Soils

- 4) Staff acknowledges the addition of Sheet 11 depicting the Concept Development Plan and soils. However, staff notes that the soils information depicted on Sheet 11 does not match County soils information, which is referenced as the source of the information in Note 4 on Sheet 6, the Existing Conditions Plat. The soils information provided in the Northern portion of the parcel near the 79A and 78A Mapping Units, which is currently labeled as 73B, does not match the information depicted in the Loudoun County Geographic Information System. Please revise the soils map as needed and provide a Soils Table identifying the mapping unit name, slope, hydrologic group, general development class, and hydric status for each of the soil types identified on the parcel. Staff notes that several single-family lots are located within areas identified as hydric soils and recommends against construction of below-grade foundations in these locations in order to avoid potential wetness problems.

Regarding Floodplains and Stormwater Management/Best Management Practices

- 5) Staff acknowledges the addition of SWM/BMP facility locations to the plan. Additional information is needed regarding the type of facilities proposed. Staff encourages the use of BMP facilities that maximize pollutant removal efficiency (e.g., enhanced extended detention ponds), while minimizing "bypass" stormwater runoff and the number of individual facilities proposed. Staff would welcome the opportunity to discuss the SWM/BMP approach for the project with the applicant in more detail.
- 6) Please label the Major Floodplain on Sheets 6-13. Staff notes that the proposed gas station/car wash location is situated in closer proximity to the Major Floodplain of Broad Run than any of the other proposed improvements. Staff recommends that the proposed gas station/car wash be relocated to provide increased separation and buffering between the proposed facility and the Major Floodplain. In addition, staff recommends a Special Exception Condition requiring oil-water separator BMPs to be incorporated into the gas station/car wash site plan in addition to other required BMPs

A-7

to filter runoff containing higher concentrations of hydrocarbons and petroleum expected in this location.

Regarding Noise Impacts

- 7) Due to the proximity of the proposed development to the Route 659 Relocated and the East-West Connector (dwellings are currently located within 50 -100 feet of both roadways), staff recommends that a noise impact study be provided with this application, consistent with the Noise Policies (Policy 2, Page 4-7) identified in the Revised Countywide Transportation Plan. If the noise study cannot be provided at this time, staff recommends that a commitment be provided to submit the noise study concurrent with the first site plan or subdivision plan and to implement the approved noise attenuation measures prior to the issuance of occupancy permits on the property. Staff further recommends that the applicant consider the following commitment, which has been provided with other approved rezoning projects and has been modified to reflect the proposed project:

"The applicant will provide a noise impact study to the County that will determine the need for any additional buffering and noise attenuation measures along the portion of the property located proximate to Route 659 Relocated and adjacent to the East-West Connector. The noise impact study shall address the noise generated by the traffic from these roadways at the time of build-out of the subject property and when the subject roadways are built to their ultimate configuration. This noise impact study will be conducted by a certified professional engineering firm and submitted to the County concurrently with the first site plan or subdivision plan, whichever is first in time. If it is determined by County staff that the noise impacts from the ultimate configuration of the specified roadways will exceed the noise abatement criteria specified in the Revised Countywide Transportation Plan, the applicant will provide buffers, berms, fencing, or other such noise attenuation measures along the specified roadways sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any dwelling units impacted by the noise levels."

Regarding Digital Data

- 8) Staff appreciates the applicant's willingness to provide the digital wetland delineation at the time of subdivision approval and requests that a commitment be provided to this effect.

Please contact me if you need any additional information as you complete your review of the current application.

A-8

Sample Tree Conservation Area Proffer

Tree Conservation Areas. Within the areas identified on the Concept Development Plan (CDP) as "Tree Conservation Areas," the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the Property. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development.

If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to a tree conservation area, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.

The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Owner without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: October 26, 2005

TO: Van Armstrong, Planner, Department of Planning

FROM: Val Thomas, Planner, Zoning Administration *VT*

THROUGH: Mark Stultz, Assistant Zoning Administrator *MS*

CASE NUMBER AND NAME: ZMAP 2004-0024/SPEX 2004-0041; Brambleton Brandt Property; 1st Referral

TAX/MAP PARCEL NUMBER: 91/24 (MCPI: 201-28-2115)

I. APPLICATION SUMMARY:

Building and Development Zoning Staff has reviewed the above referenced rezoning (ZMAP) and special exception (SPEX) application for conformance with the applicable requirements of the *Revised 1993 Loudoun County Zoning Ordinance* ("the Ordinance"). This application proposes to rezone approximately 94 acres from R-1 (Residential) and PD-GI (Planned Development-General Industrial) to PD-H4 (Planned Development-Housing) and PD-CC(CC) (Planned Development-Commercial Center (Community Center) to permit a mixed use development that would allow a total of 113 single-family detached units, 125 single family attached units to include 30 affordable dwelling units and a total of 86,700 square feet of non-residential space for sales and service use. In conjunction with this application, the Applicant is requesting approval of a special exception to allow for three drive-thru restaurants facilities (two at 4,500 square feet each and one at 3,800 square feet), a 2,200 square foot service station with gas pumps and a car wash, and a 60,000 square foot assisted living facility. The property is located west of Route 659 Relocated, south of Ryan Road and bisected by future Route 621 Relocated. The materials submitted for review are included in the information sheet (see attachment).

Based upon a review of the application, Zoning Staff offers the following comments:

II. CONFORMANCE WITH §6-1211 ZONING MAP AMENDMENTS

This section of the Ordinance requires the Planning Commission and Board of Supervisors to give consideration to certain criteria, for which Zoning has the following comments:

A-10

1. SECTION 6-1211(E)3 - *Whether the Range of Uses in the Proposed Zoning District Classification are Compatible with the Uses Permitted on other Properties in the Immediate Vicinity* - The adjacent properties to the north and east are currently zoned PD-H4 (Planned Development Housing, at 4 units per one acre), the property to the west is zoned R-1 (Single Family Residential at one unit per one acre, and the property to the south is zoned PD-GI (Planned Development-General Industry). The application proposes a residential density of 2.9 dwelling units per acre, as well as 26,700 square feet of retail and service uses and a 60,000 square feet assisted living facility. Staff defers to Community Planning to determine compatibility of the proposed uses with other uses permitted in the surrounding areas.
2. SECTION 6-1211(E)4 - *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned* - Staff notes that the proposed increased density will increase school sizes, affect traffic volume and other infrastructure in the area. Staff asks that the Applicant address this, and further defers to Community Planning and OTS (Office of Transportation) for comment on this.
Staff further notes that the intent of the planned development housing district is to achieve a variety of residential housing types with supporting non-residential uses. Since this application proposes to increase the number of residential dwelling units than would typically be permitted under current by-right R-1 zoning, and only include a small amount of supporting non-residential uses, staff asks that the applicant demonstrate the adequacy of available supporting non-residential uses and amenities to serve the proposed development.
3. SECTION 6-1211(E)8 - *Whether a reasonable viable economic use of the Property exists under the current zoning* - Staff believes that under the current R-1 zoning district and PD-GI zoning district, there is a reasonable viable economic use of the property. However, it is also noted that increasing the density on the property will allow the Applicant to achieve a more viable economic use of the property.
4. SECTION 6-1211(E)9 - *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality*. The site contains some areas of minor floodplain and areas of wetlands. Where floodplain areas are impacted, the Applicant will be required to meet the standards of § 4-1500 of the Zoning Ordinance. The requirements of the U.S. Army Corps of Engineers will also need to be met with regard to wetlands.
The property has areas of existing tree cover on the site that includes mixed hardwood, oak and black cherry, and staff encourages utilization of existing vegetation when providing any required planting. Staff recommends that the Applicant identify areas of existing vegetation that will be preserved, and show such areas on a proffered plan.
5. SECTION 6-1211(E)12 - *Whether the proposed rezoning considers the current and future requirements of the communities to land for various purposes as determined*

A-11

by population and economic study – Staff defers to Community Planning to comment on this.

6. SECTION 6-1211(E)15 - *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.* – The Applicant is proposing to provide 30 affordable dwelling units (per Sheet 10 of the rezoning plat). See Part VII of this referral for comments.

III. CONFORMANCE WITH SECTION 6-1310: ISSUES FOR CONSIDERATION IN REVIEWING A SPECIAL EXCEPTION APPLICATION

The Applicant is requesting approval of a special exception approval to allow for three drive-thru restaurants facilities (two at 4,500 square feet each and one at 3,800 square feet), a 2,200 square foot service station with gas pumps and a car wash, and a 60,000 square foot assisted living facility. Pursuant to Section 4-204(B)(10) of the PD-CC-CC Zoning District, drive thru restaurants are permissible uses by special exception. The service station with gas pumps and car wash is also permissible by special exception, pursuant to Section 4-204(B)(2). The assisted living facility is listed as permissible by special exception in the R-8 Zoning District pursuant to Section 3-504(K).

Section 6-1310 includes the following factors that shall be given reasonable consideration in considering a special exception application, for which the applicant is required to address in its Statement of Justification or special exception plat, if applicable. It should be noted that the Applicant has not address all issues for a special exception consideration as required in Section 6-1310. Further, page 5 in the Statement of Justification should be corrected as it addresses issues related to Section 1211.5, which is an incorrect Section of the Ordinance as relates to special exception standards.

The Applicant and the Board should be aware that Section 6-1313(A) of the Ordinance requires that “unless a longer period of validity is specifically approved as part of such application, no special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, or (2) an occupancy permit is obtained and a use commenced; or (3) issuance of a zoning permit.” The Ordinance also permits the period of validity to be extended for good cause shown, by application to the body that approved the special exception.

In addition, Section 6-1313(B) states that “as a condition of approval, a special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period.” The Ordinance permits an extension to be granted “prior to expiration by the original body, upon written application, without notice or hearing. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception.”

A-12

With regard to standards in Section 6-1310, Staff has comments regarding the following factors:

- (A) *Whether the proposed special exception is consistent with the Comprehensive Plan.* Zoning defers to Comprehensive Planning for determining consistency with the Comprehensive Plan.
- (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.* Zoning defers to Fire, Rescue and Emergency Services in regards to safety from fire hazards effective measures of fire control.
- (C) *The noise that may be generated by the proposed use in relation to the uses in the immediate area.* It would appear that the proposed uses will not generate excessive noise. The development will be required to comply with the Noise Performance Standards in Section 5-1507 of the Zoning Ordinance.
- (D) *The glare or light that may be generated by the proposed use in relation to uses in the immediate area.* The Plat does not depict the type and location of lighting to be utilized with the proposed uses. Therefore, the glare and light that may be generated by the proposed uses cannot be adequately evaluated at this time. The development will be required to comply with the Light and Glare Standards in Section 5-1504 of the Zoning Ordinance.

Further, since some of the proposed uses will be abutting major collector and arterial roads, a condition of approval should be considered regarding the impacts of glare on these major roads.
- (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.* Comments on the buffer yard type and utilization of existing vegetation to meet requirements should be placed in the Notes on the Plat.
- (G) *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.* Zoning defers to Comprehensive Planning regarding the location of archaeological or historical features affected.
- (I) *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.* The Applicant should address this criterion.
- (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation service.* Zoning defers to Office of Transportation Services (OTS) in regards to traffic generation and adequacy of access roads. No pedestrian walkways are shown on the

plat. Zoning requests that parking, loading and vehicular movement, in relation to pedestrian circulation, be depicted on the plat in order to adequately evaluate pedestrian safety.

- (L) *Whether the proposed special exception will be served adequately by essential public facilities and services.* Zoning defers to LCSA and Fire, Rescue and Emergency Services regarding adequate servicing by essential public facilities and services.
- (O) *Whether the proposed use will negatively impact orderly and safe road development and transportation.* Zoning defers to OTS in regards to orderly and safe road development and transportation.
- (P) *Whether the proposed special exception will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.* Zoning defers to Comprehensive Planning regarding this issue.
- (Q) *Whether the proposed special exception considers the needs of agriculture, industry and business in future growth.* The Applicant must address this criterion.
- (R) *The location of any existing and/or proposed adequate on and off-site infrastructure.* Zoning defers to LCSA regarding of on or off site sewer and water.
- (S) *Any anticipated odors which may be generated by the uses on site.* The Applicant must provide this information.
- (T) *Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.* Staff recommends that a condition of approval be included, assuring that construction traffic will not access the site through existing neighborhoods or school areas.

IV. CONFORMANCE WITH PLANNED DEVELOPMENT-HOUSING (PD-H) DISTRICT (§4-100)

1. This district is established to provide for a variety of single and multi-family housing types in neighborhood settings plus supporting non-residential uses in a planned environment, fostering a strong sense of community. However, proposed Land Bay A appears to be segregated from the rest of the development with the only means of access being from Route 621 Relocated. Staff recommends that the Applicant provide a means of connection from Land Bay A to tie in to the rest of the development (§ 4-101).
2. The Applicant should address the four "Timing of Development" considerations with regard to the PD-H proposal (§ 4-103).

A-19

3. Pursuant to Section 4-109(A), principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. Zoning defers to Office of Transportation to determine conformance with this Section of the Ordinance.
4. Pursuant to Section 4-110 (F), ways shall be provided to all dwelling units, project facilities and principal off-site destinations. Access ways to be used by children as routes to school or other destinations shall be so located and safeguarded as to minimize contacts with automotive traffic. Demonstrate compliance with this section of the Ordinance.

V. CONFORMANCE WITH R-8, SINGLE FAMILY RESIDENTIAL DISTRICT (§7-800) & (§3-500)

The rezoning plat should state in the Notes section, that Land Bays A, B, C, D E and F will be developed in accord with all regulations for the R-8 Zoning Districts of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the R-8 zoning district requirements are met.

1. On sheet 10 of the rezoning plat, provide the minimum width requirement for the single-family attached units in the R-8 zoning district (§ 7-803(B)).
2. The Applicant has provided an Illustrative that depicts the layout of lots on the development. If the Illustrative Sheets (4 & 4A) will be proffered, staff recommends that the Applicant note the proposed lot dimensions on the plat. If not, then this should be made clear in the Proffer Statement.
3. Pursuant to Section 3-509(C), a permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. It appears that Land Bay D has proposed lot sizes that are at least 6,000 square feet. Therefore, this buffer must be provided between Land Bay D and Land Bay E or modification requested with appropriate justification.
4. It is noted that the Applicant has calculated the amount of active recreation space based on market rate units per Section 7-803(E), and proposed that it will provide at least the minimum required amount of active recreation space (37,300 square feet). The Applicant must however, depict the location of active recreation space on the Concept Development Plan and demonstrate that such active recreation space is accessible to all residents by means of internal pedestrian walkways (§ 7-803(E)).

VI. CONFORMANCE WITH PD-CC-CC, PLANNED DEVELOPMENT COMMERCIAL CENTER (COMMUNITY CENTER) (§4-200)

The rezoning plat should state in the Notes section, that Land Bay G will be developed in accord with all regulations for the PD-CC-CC Zoning Districts of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the PD-CC-CC zoning district requirements are met.

1. The Applicant is proposing to rezone 13.68 acres to PD-CC(CC) zoning district. It should be noted that the Planned Development Commercial Center districts are created to permit the development of neighborhood, community, and regional shopping centers in scale with surrounding market areas, at locations recommended in the Loudoun County Comprehensive Plan. Zoning defers to community planning to determine if the proposed location is in conformance with the Revised General Plan.
2. Pursuant to Section 4-202(B), the PD-CC(CC) district must be sited so as to complement the character of the surrounding community, to include appropriate pedestrian linkages with adjacent land uses, and shall be designed, landscaped and buffered so as to be compatible with neighboring development. The Applicant must demonstrate compliance with this section of the Ordinance. Depict pedestrian linkages with the adjacent residential land uses, as well as required landscaping and buffering requirements.
3. The Applicant has noted the maximum floor area ratio (FAR) of 0.40 (with surface parking) permitted by the Zoning Ordinance, but has not provided the proposed FAR for the development. Staff asked that the proposed FAR be included in Sheet 10 of the rezoning plat. Similarly, the proposed maximum building height should be noted on the plat (§ 4-206(B) &(C)).
4. The Applicant must provide a vehicular circulation plan that demonstrates how the proposed commercial center minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation (§ 4-206 (D)). It is noted that the Applicant has requested a modification of this Section to allow the commercial center to have direct access to Route 621 Relocated, a major collector road. See part VIII of this referral for comment.
5. The Applicant must provide a pedestrian circulation plan that demonstrates how the proposed commercial center minimize conflict between pedestrians and moving vehicle, channelizes pedestrian flows to crossing areas and connects internal pedestrian walkways to existing walkways and/or makes provision for connecting to future site walkways. In addition, the plan must include walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas (§ 4-206 (F)).
6. On Sheet 10 of the rezoning plat, provide the proposed landscape open space for the PD-CC(CC) district (§ 4-207(B)).

A-16

7. Staff cannot evaluate compliance with internal and external site planning (Sections 4-207 (C) and 4-207(D)) based on the illustrative and the level of detail provided on Sheet 9. Staff asks that the Applicant provide a detailed illustrative of the proposed design of the commercial center and demonstrate how such design conforms to the requirement of the ordinance, or provide a note stating that these requirements will be met at site plan

VII. CONFORMANCE WITH ARTICLE VII REGULATIONS, AFFORDABLE DWELLING UNITS

1. Per Article VII of the Zoning Ordinance, the requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, fifty (50) or more dwelling units at an equivalent density greater than one unit per gross acre.
2. Per § 7-103, the Applicant is required to provide 12.5% affordable dwelling units and could avail of a 20% bonus density for single family detached and single family attached units (§ 7-103(A)). Similarly, the Applicant is required to provide 6.25% affordable dwelling units and could avail of a 10% bonus density for multi-family units (§ 7-103(B)). The Applicant is proposing affordable dwelling units based on 12.5% of the 238 total units proposed, thus providing thirty affordable dwelling units and 208 market rate units.
3. The Applicant must note that Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development.

VIII. CONFORMANCE WITH SECTION 6-1500 REZONING TO PLANNED DEVELOPMENT (PD) DISTRICTS

1. Section 6-1502, Purpose -
 - (A) Staff defers to Comprehensive Planning to determine if the design of the proposed development promotes achievement of the stated purposes of the Comprehensive Plan and is consistent with the Revised General Plan.
2. Section 6-1504, Modifications - The Applicant has proposed a number of zoning modifications, pursuant to this section of the ordinance. It should be noted that no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. The proposed modifications requested are as follows:

(i) **R-8 (Single Family Residential) Zoning District, § 3-502 - Size and Location**
Proposed Modification - Request modification to increase the maximum district size limitation to permit a district size greater than 50 acres in size to be administered

under the R-8 zoning district.

Applicant's Justification – The Applicant's justification is that, the proposed modification is permitted by Section 3-502 and 3-602 by virtue of the fact that the rezoning is a request for a Planned Development Housing District.

Staff comment- Staff is not clear what the Applicant meant by noting Section 3-602. The R-8 zoning district establishes a 50 acre maximum size limit. Section 3-502 states in part that "*Larger parcels may be developed in accord with Section 4-100 as Planned Development Housing Districts*". Staff believes that this modification request is not necessary as this Section (§ 3-502) states that larger parcels in the R-8 district may be developed in accord with Section 4-100 as Planned Development District.

ii) R-8 (Single Family Residential) Zoning District, § 3-511(C) –Development Setback and Access from Major Roads; § 1245.01(2), 1245.05(1) of the LSDO (Land Subdivision and Development Ordinance)

Proposed Modification - Request modification to permit single family detached lots to be accessed by private streets.

Applicant's Justification – The proposed modification improves upon the existing regulations because it allows flexibility in the design and development of single family detached homes on privately maintained streets. In meeting this modification, the Applicant states that it will fulfill all of the standards that are required for the development of private streets for townhouses and multi-family buildings.

Staff comment- Staff notes that the Applicant needs to include a modification request of Section 4-110(B) in addition to the above sections. Staff believes that flexibility in design and development of single family detached homes could be achieved on public streets as well as private streets. Private streets however, typically have long-term maintenance burden on the homeowner, since they are not constructed to VDOT standards or accepted for inclusion into the state system. Staff is not clear as to how this proposal provides for an innovative design or exceeds the public purpose of the ordinance. Staff cannot support the modification request at this time.

(iii) Buffering and Screening, § 5-1405, Buffer Yard and Screening, General Provision-

Proposed Modification - The Applicant is requesting a modification of this section to eliminate buffer requirements between land uses internal to the subject development.

Applicant's Justification – The Applicant states that there is simply no need to buffer land uses internal to the subject development due to the bifurcation of the proposed development by the planned alignment of Route 621 Relocated.

Staff comment – The Applicant must be specific as to what internal land uses it is referring to in this modification request, and depict the extent of the modification request on the plat. Staff is not clear if the modification request is for land uses adjacent to Route 621 Relocated only.

(iv) R-8 (Single Family Residential) Zoning District, § 3-511(A) - Development Setback and Access from Major Roads

A-18

Proposed Modification - Request modification to reduce the setback from rights-of-way other than arterial and collector roads from a minimum of 25 feet to 15 feet.

Applicant's Justification - The proposed modification will correct an inconsistency in the Zoning Ordinance and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable housing.

Staff comment - Staff agrees with the Applicant and notes that the R-8 zoning district regulations in §7-800 allow for more flexibility in the district regulations. Reducing the minimum required 25 foot setback to 15 feet will coincide with the minimum front yard requirement of 15 feet permitted in § 7-803(C)(1)(a) for the R-8 district and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable dwelling units. Staff can support this modification request.

(v) R-8 (Single Family Residential) Zoning District, § 3-508(B) – Building Requirements.

Proposed Modification - Request modification to allow a maximum building height of up to 40 feet for dwelling units and up to 50 feet for the assisted living facility to be provided south of Route 621 Relocated.

Applicant's Justification - The Applicant states that the size of single-family detached homes and single-family attached town homes continues to increase, including the overall height of the dwellings. The Applicant claims that homes are generally taller today than they were five years ago, in order to accommodate interior ceiling heights of up to ten feet, and that one of the ways to meet this demand is by providing homes that nominally exceed the maximum height in the Zoning Ordinance. Further, the Applicant states that despite being residentially zoned, the assisted living facility is a commercial use and its facility should have a permitted height taller than 35 feet.

Staff comment - Staff is not clear as to how the increase in building height for the single family detached, town homes and assisted living facility exceeds the public purpose of the ordinance. Staff believes the increase height of homes to accommodate increase ceiling height does not justify the modification request. It is not clear how the proposal achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. Staff cannot recommend approval of this modification request at this time. Further, the Applicant should provide the proposed maximum height limit.

(vi) PD-CC, Planned Development Commercial Center, § 4-205(C)(2) – Lot Requirements, Yards

Proposed Modification - Request modification to permit building, parking, outdoor storage, areas of collection of refuse or loading closer than 100 feet to planned residential district and to permit some parking, outdoor storage, areas for collection of refuse, and loading areas between buildings and streets where visible from road as shown on the plan.

Applicant's Justification - All commercial uses are located to the south of Route 621 Relocated. All residential uses are located to the north of Route 659 Relocated. An

A-19

assisted living facility, which is a commercial use, is permitted in the R-8 district, but not permitted in the PD-CC district. Thus, to cluster non-residential uses together, the southern portion of the development are split-zoned, resulting in the need for modification of this provision. Further, the Applicant notes that there isn't the same need for strict compliance with this provision due to the bifurcation of the proposed development by the planned alignment of Route 659.

Staff comment – Staff notes that an assisted living facility is a facility where adults who cannot live independently and who need assistance with daily chores and housekeeping live. The intent of the required 100 feet building, parking, outdoor storage and loading buffer is to protect and separate residential uses from commercial uses. The assisted living facility, although not a dwelling unit, consists of adults living in the facility. Staff notes that the Applicant has proposed parking at the boundary of the PD-CC-CC district, adjacent to the PD-H4 zoning district and that there is no yard separation. As proposed, Staff cannot support the elimination of the required yard between the PD-CC-CC and PDH-4 zoning district.

(vii) PD-CC, Planned Development Commercial Center, § 4-207(C)(3) –Use Limitations, Site Planning – External Relationships & § 5-1407, Buffer Yard and Screening Requirements

Proposed Modification - Request modification to eliminate the buffer requirement between the assisted living facility and service/retail uses.

Applicant's Justification – The Applicant's justification again is the boundary of Route 621 Relocated between the residential and non-residential uses. The Applicant notes that to the user of the commercial center, the property will appear to be, and will operate as, a single center. As there will be no perceivable distinction between the retail uses and the assisted living facility, there should not be the need for buffering internal to the southern portion of the property. The clustering of like uses in a single area of the property makes modification of this provision desirable and necessary.

Staff comment –The intent of the required buffer on the perimeter of the commercial center is separate and screen uses. The assisted living facility, although not a dwelling unit, consists of adults living in the facility. Staff believes that the types III & IV Buffer as required by Section 5-1414 should be provided between the proposed uses. However, it should be noted that the Applicant has the option of requesting a waiver of this buffer during the time of site plan if the criteria of Section 5-1409 can be met. Staff notes that the Applicant's written justification for this modification does not clearly demonstrate how the proposed modification request achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. Staff cannot support this modification request.

(viii) PD-CC, Planned Development Commercial Center, § 4-205(C)(3) - Lot Requirements, Yards

Proposed Modification - Request modification to permit buildings, parking, outdoor storage, and loading areas closer than 35 feet to other non residential districts as shown on the plans submitted with the ZMAP.

A-20

Applicant's Justification – The Applicant states that it has carefully arranged the land uses so as to congregate all non-residential uses south of Route 621 Relocated and all residential uses north of Route 621 Relocated. Non-residential uses, as part of the greater Brambleton community, will be located to the east of the property across Route 659 Relocated. There is also a sizable strip between the property's eastern boundary and Route 659 Relocated which increases the distance between the non-residential uses at the property and the non-residential uses on adjacent properties. Thus, the requirement to set buildings, parking, outdoor storage and loading areas back 35 feet from the property boundary simply is not necessary.

Staff comment – Staff is not clear as to where this modification request is proposed, and asked that the Applicant clarify this, and illustrate this on the rezoning plat.

(ix) PD-CC, Planned Development Commercial Center, § 4-206(D) – Building Requirements, Vehicular Access.

Proposed Modification - Request modification to permit the community center to have direct access to Route 621 Relocated, a major collector road.

Applicant's Justification – The Applicant notes that the use of the triangularly-shaped parcel created by the future alignment of Route 621 Relocated and Route 659 Relocated for a Community Center will achieve the highest and best use of this portion of the property and will benefit the surrounding residents and businesses. With the eventual vacation of Evergreen Mills Road on the western boundary of the property, the only bordering roads will be major collector roads, thus making the modification necessary.

Staff comment – Staff is not clear as to the purpose of this modification request. Pursuant to Section 4-206 (D), a community center shall provide convenient and coordinated vehicular access **only** to collector roads. The Applicant is requesting a modification to permit the community center to have direct access to Route 621 Relocated, a major collector road, which is already a requirement of the Ordinance. This modification is not necessary. However, a modification request is required to access the commercial center from Route 659 Relocated, a minor arterial road.

(x) PD-CC, Planned Development Commercial Center, § 4-207(B) –Use Limitations, Landscaped Open Space

Proposed Modification - Request modification to permit the non residential open space adjacent to Land Bay G be used for credit towards the minimum landscaped open space requirement.

Applicant's Justification – The Applicant notes that this property will become part of the greater Brambleton community and the PD-CC area to the south of Route 621 Relocated will be indistinguishable from the greater Brambleton community generally and the strip of land between the eastern boundary of the property and Route 659 Relocated specifically. By permitting the Applicant to use the non residential open space adjacent to Land Bay G in calculating the minimum landscaped open space requirement, the Applicant will be able to create a compact commercial center that encourages pedestrian activity between the various uses.

Staff comment – It is not clear to staff as to why the Applicant is not including the non residential open space adjacent to Land Bay G as part of this land bay, in order

to meet the calculation for the minimum landscaped open space requirement of this Section. Staff recommends that the Applicant include the necessary amount of surrounding land to Land Bay G in order to meet the minimum open space requirement.

(xi) R-8 (Single Family Residential) Zoning District, § 3-508(A) – Building Requirements, Lot Coverage

Proposed Modification - Request modification to permit a Lot Coverage greater than 50% for the assisted living facility

Applicant's Justification – Similar to the other modification request justification, the Applicant notes that it is clustering the commercial uses south of Route 621 Relocated and keeping the residential uses to the north of Route 621 Relocated. This proposed layout will emphasize the use of Route 621 Relocated as the boundary between the residential and non-residential uses. Despite being zoned residentially, the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. The Applicant notes that the lot coverage requirement of the R-8 district applies without regard to whether the property is being used for commercial or non-commercial purposes. However, the Applicant contends that the commercial uses, such as the assisted living facility, should be permitted to cover a greater portion of the lot, in accordance with other non-residential districts.

Staff comment – The modification request a lot coverage in excess of 60% for the assisted living facility. It should be noted that the maximum lot coverage permitted in Section 3-508(A) is 50%. The Applicant states that the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. Staff notes that there is no maximum lot coverage required in the PD-CC district. While staff agrees that the assisted living facility is not a residential use per se, it is a use permissible and proposed in the residential zoning district (R-8) and therefore must meet the standards set forth in that district. Staff does not support the approval of maximum lot coverage similar to the PD-CC district, which is “no maximum lot coverage”. Staff asks that the Applicant provide the maximum lot coverage that is proposed for the assisted living facility.

(xii) R-8 (Single Family Residential) Zoning District, § 3-508(C) – Building Requirements, Maximum Units per Building

Proposed Modification - Request modification to permit more than eight units in a single building for the assisted living facility.

Applicant's Justification –The Applicant notes that the Zoning Ordinance requirement of a maximum of eight units in a single building is intended to prohibit lengthy rows of single-family attached dwellings, and is not intended to be a limit on non-residential development like the construction of assisted living facilities. The Applicant further notes that assisted living facilities are permitted by special exception in the R-8 zoning district and that providers of elderly housing and care need to have enough units to make the services and care affordable. According to the Applicant, an assisted living facility must have more than eight units to be financially viable, hence the modification request.

A-22

Staff comment – Staff believes that this modification is not necessary as the assisted living is not considered as separate dwelling units and the intent of this section is to limit the maximum number of residential units in a row of single-family attached dwellings.

(xiii) PD-H, Planned Development Housing, § 4-109(C)(2) – Site Planning – External Relationships

Proposed Modification - Request modification to eliminate the 50 foot buffer requirement along the eastern edge of the property adjacent to Route 659 Relocated as well as the north tip of the property.

Applicant's Justification – The Applicant states that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.

Staff comment – The requirement of this section applies not just to a property adjacent to another residential district, or land bay allowing residential uses, but also adjacent to any single family residential. Staff, therefore believes that a buffer is necessary adjacent to the property on the northern tip. This buffer requirement however, is not required adjacent to Route 659, but only where the PDH district adjoins the residential district or land bay allowing residential uses.

IX. CONFORMANCE WITH ZONING OVERLAY DISTRICTS

A. SECTION 4-1400, AIRPORT IMPACT (AI)

1. A portion of the subject Property lies within the Airport Impact (AI) Overlay District, between the Ldn 60 and 65 aircraft noise contours and within one mile beyond the Ldn 60 noise contour, with a small portion within the Ldn 65 or higher. The Plan needs to be revised to show the existing zoning of the property to also include the AI, Airport Impact Overlay District.
2. A note should also be place on the Plan stating that any development within the AI district shall be done in accordance with this Section of the Zoning Ordinance.
3. It appears that the assisted living facility is proposed to be located within the LDN 60 and 65 aircraft noise contours as well as within the Ldn 65 or higher. It should be noted that in Airport Noise Impact areas of Ldn 65 or higher, residential dwellings are not permitted. The assisted living facility while technically not a residential dwelling, consists of elderly people living in the facility. Staff asked that the Applicant clarify as to whether any portion of the assisted living facility building is to be located in an area of Ldn 65 or higher.
4. For all residential units to be constructed between the Ldn 60-65 aircraft noise contour, the Applicant shall 1) disclose in writing to all prospective

A-23

purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise; 2) incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of 45 db(A) Ldn; and 3) prior to the approval of a Record Plat creating residential lots, dedicate an avigation easement to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport. Staff notes that the AI regulations do not apply to the nonresidential uses permitted in the PD-CC-CC zoning district, but recommends that it be applied to the assisted living facility.

5. Finally, the Applicant should note that Section 4-1405 Disclosure states: "A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to any parcel or development within the AI district, clearly identifying any lot which is located within the AI district and identifying the component of the AI District in which the lot is located". Add the Disclosure Statement on the Cover Sheet of the plan in the note section.

B. SECTION 4-1500, FLOODPLAIN (FOD)

1. A portion of the site includes areas containing minor floodplain, as shown on The Floodplain Map of Loudoun County. The Plat needs to be revised to show the existing zoning of the property to include the FOD, Floodplain Overlay District. The Plan appears to be sensitive to the existing floodplain areas.

X. CONFORMANCE WITH ADDITIONAL REGULATIONS & STANDARDS

A. SECTION 5-1100, OFF-STREET PARKING & LOADING REQUIREMENTS

1. On Sheet 10, the Applicant has shown the amount of required vs. proposed parking spaces for the restaurants, pharmacy and automobile service station, but has not provided such information for the assisted living facility. The parking lot calculation needs to be provided for this use as well. Pursuant to Section 5-1102(E), the amount of parking spaces required for the use "Congregate, Continuing Care & Congregate Housing Facilities", under which the use "Assisted living facility" is included, the amount of required parking spaces is .33 per resident, plus 1.5 per day shift employee. The amount of loading space required for the use is one.
2. The automobile service station, pursuant to Section 5-1102(B)(2)(j), is under the category "Motor Vehicle Sales & Service", and therefore requires minimum parking spaces of 2.5 spaces per 1000 square feet of Gross Floor

Area (GFA) of interior sales space plus 1.5/1000 square feet of external display plus 3/service bay. The loading spaces required are 1/25,000 square feet of GFA. On the plat, the Applicant notes a parking requirement of 4 spaces per 1000 square feet GFA. Please correct the calculation on the special exception plat drawing as well as in the notes section in Sheet 10. The parking calculation for the pharmacy use should be based on parking for "Service Retail" i.e. 2.5. parking spaces per 1000 square feet of GFA.

3. In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, the loading spaces information for all proposed uses must be provided at this time. The location and screening of all parking and loading spaces must also be provided. Further, any required handicapped spaces should be provided and labeled on the plat.

B. SECTION 5-1300, TREE PLANTING AND REPLACEMENT

At Final Site Plan, the planting and replacement of trees on-site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be: 1) ten (10) percent tree canopy for sites zoned business and commercial in the PD-CC and PD-H Districts; 2) Twenty (20) percent tree canopy for sites zoned PD-H and R-8 for multi-family and single family attached units with densities of three (3) to ten (10) units per acre; and 3) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract.

Since this site has existing vegetation, the applicant should ensure and proffer that existing viable stands of trees will be preserved to the greatest extent possible.

C. SECTION 5-1400, BUFFERING AND SCREENING -

1. The presentation and approval of a landscape plan is addressed at site plan. However, at special exception the applicant is asked to state, in the Notes, what type of buffer is required. Pursuant to Section 5-1414(A)-Buffer Yard and Screening Matrix, the buffer yard requirements for the proposed restaurant use, which is a Group 7 use, and the assisted living facility, which is a Group 3 appears to be a Type 3. Please indicate this on the plat. Similarly, indicate the required front, rear and side buffer for all the uses.
2. Comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes.
3. The Applicant will be required to provide peripheral parking lot landscaping, at the time of site plan, in accordance with Section 5-1413 (C) of the Zoning

A-25

Ordinance, or the required buffer yard, whichever is greater.

4. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to Section 5-1409 of the Ordinance, unless a specific condition of approval is added prohibiting such a request.

D. SECTION 5-1413, PARKING LOT LANDSCAPING AND SCREENING REQUIREMENTS - A note should be placed on the Plat, stating that the use will conform to this Section of the Zoning Ordinance, with regards to interior parking lot landscaping and peripheral parking lot landscaping.

XI. ZMAP CHECKLIST:

1. The Applicant has delineated the open space areas in the development. Clarify and describe the character of the open space as well as that of the proposed active recreation space on the CDP sheet [Checklist # 7].

XII. PROFFER STATEMENT:

1. The Applicant has not provided any proffers to date. If the Applicant wishes to submit proffers for consideration, they are required to be submitted as part of the Applicant's response to the first written review of the issues (6-1209(A)(1)), and no later than 45 calendar days prior to the scheduled public hearing before the Board of Supervisors (6-1209(A)(2)).
2. If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.

XIII. OTHER ISSUES/COMMENTS:

1. On the Cover Sheet (Note # 2, # 13), reference the correct zoning ordinance "Revised 1993 Loudoun County Zoning Ordinance". Similarly, for note # 2 on Sheet 5.
2. On the Cover Sheet, there appears to be a conflict between note # 8, which states that the project will be constructed in a single phase, and note # 18, which states that the project is proposed to be developed in multiple phases. Correct/clarify this inconsistency.
3. In note # 15, it appears the correct word is "amenities" not "amentaties".
4. Revise note # 12 to clarify that the site layout is final, and subject to minor changes only

due to engineering constraints.

5. On the Cover Sheet, for "Site Owner" information, include the existing zoning of the site as R-1, PD-GI (Planned Development-Industrial Park), FOD (Floodplain Overlay District) and A-I (Airport Impact Overlay District). The FOD and A-I overlay districts should also be included in note # 1.
6. On the Special Exception Plat (Sheet 9), correct note # 1. The correct use is "assisted living facility" not "adult care facility".
7. On the Special Exception Plat (Sheet 9), in note # 2, insert the words "Revised 1993" before the words "Zoning Ordinance".
8. The Statement of Justification for the Special Exception (page 3) notes that there are no floodplain areas on the property. This is incorrect, as the County Mapping system (LOGIS) indicates an area of floodplain on the western portion of the property. If the Applicant believes that the County Mapping system is in error, then a floodplain study which shows that there is no floodplain on the property must be submitted.
9. Please label the Illustrative perspective drawings on Sheet 3 of the Plan.
10. Route 659 Relocated is identified on the Countywide Transportation Plan (CTP) as being an arterial road. As such, pursuant to Section 5-1406(E)(2), a type 3 buffer yard must be provided adjacent to this road. In addition, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1.
11. On Sheet 1, the zoning of the adjacent property to the west, owned by the Hanson Family Partnership, is shown as TR3UBF. The County's Mapping system depicts this property as being zoned R-1. Correct and/or clarify this inconsistency.
12. On Sheet 10, in the modification section, correct the reference to "adult care facility" to "assisted living facility".
13. The assisted living facility use does not have a maximum FAR (Floor Area Ratio) requirement. However, Staff asked that the Applicant provide information on the maximum lot coverage proposed for the facility, FAR and number of units or bedrooms, and note this on Sheet 10 of the plat. This will also aid in the calculation of the required parking and loading spaces for the facility.
14. The special exception plat must depict and label the location of the dumpster pads.

A-27

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: October 11, 2006

TO: Mike Elabarger, Planner, Department of Planning

FROM: Val Thomas, Planner, Zoning Administration

THROUGH: Mark Stultz, Assistant Zoning Administrator

CASE NUMBER AND NAME: ZMAP 2004-0024/SPEX 2004-0041;
Brambleton Brandt Property;
2nd Referral

TAX/MAP PARCEL NUMBER: 91/24 (MCPI: 201-28-2115)

Based upon a review of the revised application, Zoning Staff offers the following additional comments:

I. CONFORMANCE WITH §6-1211 ZONING MAP AMENDMENTS

1. SECTION 6-1211(E)4 - *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned*
The Applicant is proposing a community recreational facility with the Brambleton Corner rezoning application (ZMAP 2004-0025). Staff asks that this be made clear in the proffer and in the Homeowners Association documents, as in reviewing proposed Proffers III.A and VII, this provision is not clear.

II. CONFORMANCE WITH SECTION 6-1310: ISSUES FOR CONSIDERATION IN REVIEWING A SPECIAL EXCEPTION APPLICATION

- (D) *The glare or light that may be generated by the proposed use in relation to uses in the immediate area.* The Plat does not depict the type and location of lighting to be utilized with the proposed uses and since some of the proposed uses will be abutting major collector and arterial roads, Staff recommends a condition of approval regarding the impacts of glare on these major roads.

A-28

III. CONFORMANCE WITH PD-CC-CC, PLANNED DEVELOPMENT COMMERCIAL CENTER (COMMUNITY CENTER) (§4-200)

1. In response to first referral staff comments, the Applicant states that Sheet 11 of the revised CDP illustrates the proposed layout and gross floor area for each use proposed for the development. However, Staff notes that this is not reflected on Sheet 11 of the CDP. Explain.
2. The Applicant must provide a vehicular circulation plan that demonstrates how the proposed commercial center minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation (§ 4-206 (D)). The Applicant noted that this is shown on Sheet 11 of the revised CDP. However, staff notes that this Sheet depicts soils and does not reflect the proposed vehicular circulation plan. Explain.
3. Depict crosswalks and traffic control devices (Sheet 12) that create safe and convenient pedestrian paths from all parking areas to shopping areas (§ 4-206 (F)).

IV. CONFORMANCE WITH SECTION 6-1500 REZONING TO PLANNED DEVELOPMENT (PD) DISTRICTS

Section 6-1504, Modifications - The Applicant has proposed a number of zoning modifications, pursuant to this section of the ordinance. It should be noted that no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. Staff still has comments on the requested modifications as follows:

(i) Buffering and Screening, § 5-1405, Buffer Yard and Screening, General Provision-

Proposed Modification - The Applicant is requesting a modification of this section to eliminate buffer requirements between land uses internal to the subject development. Specifically, the Applicant requests 1) the elimination of the buffer between the proposed assisted living facility and the proposed single-family detached units, and 2) the reduction of the buffer between the proposed assisted living facility and the proposed retail uses.

Applicant's Justification - The Applicant states that there is simply no need to buffer land uses internal to the subject development due to the bifurcation of the proposed development by the planned alignment of Route 621 Relocated. Further, the proposed road setbacks and location of natural features and use of open space north of Route 621 Relocated as open play area will create an approximately 450 foot buffer between the proposed assisted living facility and the single-family detached units.

Staff comment –Staff notes that a Type 1 buffer is required between the assisted living facility and the proposed single family detached residential. Based on the bifurcation of the two uses by Route 621 Relocated, the proposed 75 foot setback on either side of Route 621 and the open space area in between the two uses, Staff can support the modification request. Staff, however is not clear on the second part of the modification request. The Statement of Justification (page 11) asks for a modification of the reduction of the required buffer between the proposed assisted living facility and the proposed retail uses, while Sheet 13 of the Plan depicts the modification request between the proposed pharmacy, the automobile service station and the strip of property to the east. Clarify this inconsistency.

(ii) R-8 (Single Family Residential) Zoning District, § 3-511(A) - Development Setback and Access from Major Roads

Proposed Modification - Request modification to reduce the setback from rights-of-way other than arterial and collector roads from a minimum of 25 feet to 15 feet.

Applicant's Justification – The proposed modification will correct an inconsistency in the Zoning Ordinance and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable housing.

Staff comment –Staff agrees with the Applicant and notes that the R-8 zoning district regulations in §7-800 allow for more flexibility in the district regulations. Reducing the minimum required 25 foot setback to 15 feet will coincide with the minimum front yard requirement of 15 feet permitted in § 7-803(C)(1)(a) for the R-8 district and will allow residential units to be constructed in accordance with those regulations intended to benefit projects that include affordable dwelling units. Staff can support this modification request.

(iii) R-8 (Single Family Residential) Zoning District, § 3-508(B) – Building Requirements.

Proposed Modification - Request modification to allow a maximum building height of up to 40 feet for dwelling units and up to 50 feet for the assisted living facility to be provided south of Route 621 Relocated.

Applicant's Justification – The Applicant states that the size of single-family detached homes and single-family attached town homes continues to increase, including the overall height of the dwellings. The Applicant claims that homes are generally taller today than they were five years ago, in order to accommodate interior ceiling heights of up to ten feet, and that one of the ways to meet this demand is by providing homes that nominally exceed the maximum height in the Zoning Ordinance. Further, the Applicant claims that higher ceilings can make interior spaces brighter and lighter due to large windows and more open space.

Staff comment –Staff is not clear as to how the increase in building height for the single family detached units and town homes exceeds the public purpose of the ordinance. Staff acknowledges that the Loudoun County Zoning Ordinance Review Committee (“ZORC”) is proposing an amendment to the Zoning Ordinance to increase the building heights to 45 feet for single-family attached houses and 40 feet for single-family detached units. However, these are proposed amendments and not

the existing regulations. Staff believes the request to increase the height of homes to accommodate increase ceiling height does not justify granting the modification. It is not clear how the proposal achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. Staff cannot recommend approval of this modification request at this time.

It appears that the Applicant has withdrawn the modification request for the building height for the assisted living facility. However, it is still listed on Sheet 14 of the Plan. Clarify/correct this inconsistency.

(iv) PD-CC, Planned Development Commercial Center, § 4-205(C)(2) – Lot Requirements, Yards

Proposed Modification - Request modification to permit building, parking, outdoor storage, areas of collection of refuse or loading closer than 100 feet to planned residential district and to permit some parking, outdoor storage, areas for collection of refuse, and loading areas between buildings and streets where visible from road as shown on Sheet 13 of the CDP.

Applicant's Justification – All commercial uses are located to the south of Route 621 Relocated. All residential uses are located to the north of Route 659 Relocated. An assisted living facility, which is a commercial use, is permitted in the R-8 district, but not permitted in the PD-CC district. Thus, to cluster non-residential uses together, the southern portion of the development is split-zoned, resulting in the need for the modification. Further, the Applicant notes that there isn't the same need for strict compliance with this provision due to the bifurcation of the proposed development by the planned alignment of Route 659.

Staff comment – Staff notes that an assisted living facility is a facility where adults who cannot live independently and who need assistance with daily chores and housekeeping live. The intent of the required 100 feet building, parking, outdoor storage and loading buffer is to protect and separate residential uses from commercial uses. The assisted living facility, although, consisting of adults living in the facility, is not a residential use by Ordinance definition. Further, the Applicant has proposed a 15 foot Category 1 Buffer Yard at the boundary of the PD-CC-CC district, adjacent to the strip of PD-H4 zoning district on the eastern boundary. Staff can support the reduction of the required yard between the PD-CC-CC and PDH-4 zoning district.

(v) PD-CC, Planned Development Commercial Center, § 4-207(C)(3) –Use Limitations, Site Planning – External Relationships & § 5-1407, Buffer Yard and Screening Requirements

Proposed Modification - Request modification to reduce the buffer requirement between the assisted living facility and service/retail uses.

Applicant's Justification – The Applicant's justification is that assisted living facilities, like skilled nursing facilities, are more similar to commercial uses than residential uses as many of the residents need a higher level of care than a typical resident might. The residents typically do not avail themselves of typical neighborhood amenities, like another resident might. Hence, traffic impacts and

parking requirements are more similar to that of a commercial use. The clustering of like uses in a single area of the property makes modification of this provision desirable and necessary.

Staff comment – The intent of the required buffer on the perimeter of the commercial center is to separate and screen uses. The assisted living facility, although consisting of adults living in the facility, is not a residential use. Staff can support this modification request.

(vi) PD-CC, Planned Development Commercial Center, § 4-205(C)(3) - Lot Requirements, Yards

Proposed Modification - Request modification to permit buildings, parking, outdoor storage, and loading areas closer than 35 feet to other non residential districts as shown on the plans submitted with the ZMAP.

Applicant's Justification – The Applicant states that it has carefully arranged the land uses so as to congregate all non-residential uses south of Route 621 Relocated and all residential uses north of Route 621 Relocated. Non-residential uses, as part of the greater Brambleton community, will be located to the east of the property across Route 659 Relocated. There is also a sizable strip between the property's eastern boundary and Route 659 Relocated which increases the distance between the non-residential uses at the property and the non-residential uses on adjacent properties. Thus, the requirement to set buildings, parking, outdoor storage and loading areas back 35 feet from the property boundary simply is not necessary.

Staff comment – The modification request depicted on Sheet 13 is adjacent to a PDH-4 district, which is considered a residential district, while the buffer requirement of this section is adjacent to a non-residential district. Please clarify this.

(vii) PD-CC, Planned Development Commercial Center, § 4-206(D) – Building Requirements, Vehicular Access.

Proposed Modification - Request modification to permit the community center to have direct access to Route 621 Relocated, a minor arterial road.

Applicant's Justification – The Applicant notes that the use of the triangularly-shaped parcel created by the future alignment of Route 621 Relocated and Route 659 Relocated for a Community Center will achieve the highest and best use of this portion of the property and will benefit the surrounding residents and businesses. With the eventual vacation of Evergreen Mills Road on the western boundary of the property, the bordering roads will be a major collector road (Route 621 Relocated), and minor arterial road (Route 659 Relocated) thus making the modification necessary.

Staff comment – Staff can support this modification request but defers to the Office of Transportation Services (OTS) to ensure the proposal is in compliance with the Countywide Transportation Plan (CTP).

(viii) R-8 (Single Family Residential) Zoning District, § 3-508(A) – Building Requirements, Lot Coverage

Proposed Modification - Request modification to permit a Lot Coverage of 60% for

A-32

the assisted living facility

Applicant's Justification – Similar to the justification for the other modification request, the Applicant notes that it is clustering the commercial uses south of Route 621 Relocated and keeping the residential uses to the north of Route 621 Relocated. This proposed layout will emphasize the use of Route 621 Relocated as the boundary between the residential and non-residential uses. Despite being zoned residentially, the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. The Applicant notes that the lot coverage requirement of the R-8 district applies without regard to whether the property is being used for residential or non-residential purposes. However, the Applicant contends that the non-residential uses, such as the assisted living facility, should be permitted to cover a greater portion of the lot, in accordance with other non-residential districts.

Staff comment –It should be noted that the maximum lot coverage permitted in Section 3-508(A) is 50%. The Applicant states that the assisted living facility is a commercial use and should be held to the lot coverage standards of the PD-CC district. Staff notes that there is no maximum lot coverage required in the PD-CC district. While staff agrees that the assisted living facility is not a residential use per se, it is a use permissible and proposed in the residential zoning district (R-8) and therefore must meet the lot coverage standards set forth in that district. Staff cannot support this modification request.

(ix) PD-H, Planned Development Housing, § 4-109(C)(2) – Site Planning – External Relationships

Proposed Modification - Request modification to eliminate the 50 foot buffer requirement along the eastern edge of the property adjacent to Route 659 Relocated as well as the north tip of the property.

Applicant's Justification – The Applicant states that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.

Staff comment –It is not clear to staff how the proposed modification request provides for an innovative design or otherwise exceeds the public purpose of the Ordinance. Staff cannot support this modification request.

(x) § 3-509(C) – Minimum Buffer

Proposed Modification - Request modification to eliminate the 50 foot buffer requirement between Land Bays D and E and along the eastern edge of the property adjacent to Route 659 Relocated as well as the northern edge of the property as shown on Sheet 13 of the CDP.

Applicant's Justification – The Applicant states that the Property will be integrated into the greater Brambleton community and the eastern and northern boundaries of the site will become non-existent, making the buffering unnecessary.

Staff comment –See comment (x) above. Staff cannot support this modification request. Further, it appears that modification request # 10 on Sheet 13 of the CDP is in error, as there is no accompanying statement of justification and it is not clear what is being modified. Clarify/correct this.

A-33

V. CONFORMANCE WITH ADDITIONAL REGULATIONS & STANDARDS

A. SECTION 5-1100, OFF-STREET PARKING & LOADING REQUIREMENTS

1. On Sheet 14, the Applicant has shown the amount of required vs. proposed parking spaces for the restaurants, pharmacy and automobile service station, but has not provided such information for the assisted living facility. The parking lot calculation needs to be provided for this use as well. Pursuant to Section 5-1102(E), the amount of parking spaces required for the use "Congregate, Continuing Care & Congregate Housing Facilities", under which the use "Assisted living facility" is included, the amount of required parking spaces is .33 per resident, plus 1.5 per day shift employee. The number of loading spaces required for the use is one. In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, the parking and loading spaces information for the assisted living facility must be provided at this time. The location and screening of all parking and loading spaces and dumpster pads must also be provided.
2. The loading spaces required are 1/25,000 square feet of GFA for the service station. Please provide this on Sheet 14 and depict such spaces on the SPEX Plat.
3. Please delete the last sentence in Note 8 of the Cover Sheet, and provide the parking information on Sheet 14.

B. SECTION 5-1400, BUFFERING AND SCREENING -

1. The presentation and approval of a landscape plan is addressed at site plan. However, at special exception the applicant is asked to state, in the Notes, and depicts on the Plat what type of buffer yard is required. Pursuant to Section 5-1414(A)-Buffer Yard and Screening Matrix, the proposed pharmacy is a Group 6 use (considered retail sales), the assisted living facility is a Group 3 and the auto service station and drive through restaurants are Group 8. Therefore, it appears that a Type 2 Buffer Yard is required between the pharmacy and the other uses. Please indicate this on the Plat.

VI. ZMAP CHECKLIST:

1. The Applicant has delineated the open space areas in the development. Clarify and describe the character of the open space as well as that of the proposed active recreation space on the CDP sheet [Checklist # 7]. It is noted that the Applicant has proffered only Sheet 8 of the Plan set. This Sheet denotes proposed open space areas, but does not clarify and depict the location of the proposed active recreation space.

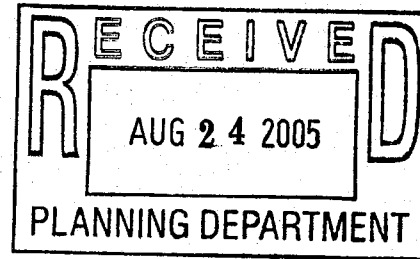
VII. PROFFER STATEMENT:

1. With regard to Proffer I, Staff notes that the Applicant is only proffering substantial conformance with Sheet 8 of the rezoning plan set, and asks that the Applicant consider proffering the other Sheets including the Notes and Tabulations Sheet (Sheet 14), the Concept Development Plan (Sheet 7), and the Rezoning Plat (Sheet 5).
2. With regard to the preamble, in the fourth line, the applicant states that the Property is part of Tax Map 91, Parcel 24 (PIN 201-28-2115). Staff suggests that the applicant clarify where the part of Tax Map 91, Parcel 24 (PIN 201-28-2115) that is the subject of the application is described, so as to clarify what part of the referenced tax map and PIN number is the subject of the application. Bearings and distances need to be identified, and Staff suggests that the applicant state the number of acres that are the subject of the application.
3. The Applicant is proffering Sheet 8 only. However, this Sheet does not show where the single family attached, single family detached, or commercial areas are located. Staff recommends that this be clarified in proffer II.A.
4. With regard to proffer II.B., in the first line, the Applicant references Land Bay G. However, staff notes that the land bays are not shown on Sheet 8, which is the only sheet proffered.
5. With regard to proffer III.A., the Applicant proposes to provide "active and passive recreational amenities". However, these amenities are not identified on Sheet 8. Further, in the last line of the proffer, the Applicant states that the amenities will include a community tot lot and a community play area at the southeast corner of the proposed residential development. Staff notes that on Sheet 7, a tot lot is shown, but not in the southeast corner. Staff recommends that Sheet 7 be proffered, and that it is clarified that the tot lot is proposed in Land Bay E. Further, Staff asks that the Applicant provides more specifics regarding the "community play area".
6. With regard to proffer VI.A.1., the Applicant states that a tree save area shall be established in the location shown on the CDP. Sheet 8 contains no such tree save area designation. Sheet 7 appears to designate a tree save area, but nothing in the legend indicates exactly what notation marks a tree save area. Staff suggests that the location of the tree save area be clarified.

VIII. OTHER ISSUES/COMMENTS:

1. On the illustrative (Sheet 4) please label the proposed commercial uses.
2. On Sheet 5, provide the metes and bounds for both the PD-CC-CC zoning district and the PD-H4 zoning district, as these will be mapped as two separate zoning districts.
3. On Sheet 14, in the "Area Tabulation", the number of market rate dwelling units is depicted as 200, but should be 206. Correct this and recalculate the residential density of market rate units.
4. On the Cover Sheet, Note 17 states that the project is to be "developed in multiple phases per proffer requirements", but there is nothing in the proffers that deals with the concept of phasing. Clarify.
5. On the Cover Sheet, Note 14 states that "an overall amenities plan" will be coordinated with the Brambleton community. Staff asks that the Applicant clarify this and provide such plan. It should also be noted that this Cover Sheet is not proffered.
6. On the Cover Sheet, ensure that Note 11 is consistent with the language in proposed Proffer I.
7. Route 659 Relocated is identified on the Countywide Transportation Plan (CTP) as being an arterial road. As such, pursuant to Section 5-1406(E)(2), a type 3 buffer yard must be provided adjacent to this road. In addition, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least four (4) feet in height and not to exceed a slope of 2:1. Although the Applicant noted that a separate parcel is located between the eastern edge of the property and Route 659 Relocated, it should also be noted that this strip of property is owned by the Applicant and is unlikely to be used for any other use, as the property width is narrow and there is a minimum 100 foot setback from Route 659 Relocated. Therefore, staff recommends that the Applicant provide the required buffer yard landscaping and earthen berm adjacent to Route 659 Relocated.
8. On Sheet 1, the zoning of the adjacent property to the west, owned by the Hanson Family Partnership, is R-1 and TR3UBF. The Applicant notes this property as zoned R-1 and TR1UBF. Correct and/or clarify this inconsistency.
9. On Sheet 5, Note 2, include the word "Revised" before "1993 Zoning Ordinance" as this is now the regulating document.
10. Correct Note 26 on the Cover Sheet to state Section 5-1413 of the Ordinance.
11. On Sheet 7, the Pharmacy should not be included in the special exception boundary as this use is permitted by right.

August 13, 2005



Ms. Maria Figueroa
Fire-Rescue Planner
Loudoun County Department of Fire & Rescue Services
16600 Courage Court
Leesburg, VA 20175

Subject: Proffer Comments on:
Brambleton Brandt Property
ZMAP 2004-0024 & SPEX 2004-0041

Dear Ms. Figueroa:

The subject application requests approval for rezoning to permit the construction of 113 single-family detached units and 125 single-family attached units and 74,000 square feet of non-residential for commercial and retail purposes on approximately 94 acres of land. The project is within the primary fire and rescue service delivery area of the Arcola-Pleasant Valley Volunteer Fire Department (APVVFD).

The scope of this project will present a "moderate" fire risk and life safety exposure and place additional constraints on volunteer resources to protect the community. As the county grows, so does the rate of fire and EMS calls grow, adding additional burden to an already stretched volunteer system with limited financial and human resource support. In order for APVVFD to continue to remain solvent, and provide an acceptable level of service and protection to the communities we serve, the department is requiring the installation of automatic sprinklers in all residential properties within the response district.

The installation cost of residential sprinklers for new homes is approximately \$1.00 - \$1.50 per square foot. On average, this will typically add \$2500 - \$3500 to the cost of the home. This cost compares favorably when a homebuyer looks at the cost of upgrading carpeting, or installing a deck. In fact, such options usually cost more. The installation of residential sprinklers for new developments can omit the construction of additional fire stations, and the hiring of career personnel to augment volunteer staffing thereby lowering cost to the homeowner to absorb.

A-37

Based on the Board of Supervisors decision to abolish annual proffers by Commercial and Homeowner's Associations in 2001, the APVVFD must act accordingly and submit the following for inclusion in any agreement between the County of Loudoun and the Applicant regarding fire and rescue/public safety voluntary contributions:

1. The applicant shall require all builders to provide and install a residential fire sprinkler system for each residential unit constructed; provided that the water supply system to any such residence has sufficient capacity to support the sprinkler system. All model homes utilized by the applicant and/or builder on the property for marketing purposes shall be constructed with a residential sprinkler system. All marketing information packets shall include promotional materials on the benefits of automatic fire sprinkler systems offered by the manufacturer of residential fire sprinkler systems, and United States Fire Administration. All sales agents must orientated to the benefits of residential sprinkler systems. All *Features* brochures shall include the residential sprinkler system and shall be printed in a fashion (i.e. double font size, italics, bold, etc.) to attract the buyer/reader's attention, as proof from the builder they are committed to providing a product with the safety and welfare of the purchaser in mind.
2. The applicant shall contribute an initial base sum of money of \$250.00 per unit for each residential unit, and an initial base sum of \$0.20 per gross square foot, per story of non-residential buildings, and shall escalate in accordance with the CPI beginning with the base year 1988. The initial contribution shall be payable to the County of Loudoun at the time of issuance of the zoning permit. For the purpose of this section a residential unit includes each single-family detached unit, each single-family attached unit, and each multi-family unit. Said contributions shall be divided equally between the primary serving fire and rescue services. The County shall pay the collected proceeds to the primary serving fire company and the primary serving rescue company. In the event that a volunteer company is not the primary provider of fire and/or rescue service, the aforementioned contributions shall be discontinued on a basis of 50% for the primary fire service provider and 50% for the primary rescue service provider.
3. Applicant shall provide all weather gravel compacted access for emergency vehicles to those portions of the project which are under construction, not later than the framing stage of construction, subject to approval of the Fire Marshall's office.
4. Access to alternative water sources or dry hydrants shall be provided to Loudoun County Fire and Rescue wherever impounded water is available on the site, in order to provide additional possible water sources for department use in the event of emergencies.

Should the applicant disapprove with our request, the APVVFD will present our position at the next scheduled Planning Commission or Board Of Supervisors meeting for this project. The APVVFD is willing to take a reduction in contribution if the applicant is willing to ensure the installation of residential sprinkler protection for each residential unit proposed on the application.

The APVVFD will be receptive to reduce the amount of a one-time contribution of \$60.00 for each unit based on the CPI in paragraph number 2.

WE HEREBY REQUEST that our Department be afforded the opportunity to review and approve any revised documents related to fire and rescue contributions regarding this application. Should you have any further questions regarding our comments, please contact me at (703) 327-2222 day or (703) 406-3823 evening.

Sincerely,

Original Signed by Michael V. Kalasanckas
Michael V. Kalasanckas, President

cc: Van Armstrong, Project Manager, Dept. of Planning
APVVFD File

MVK/mvk

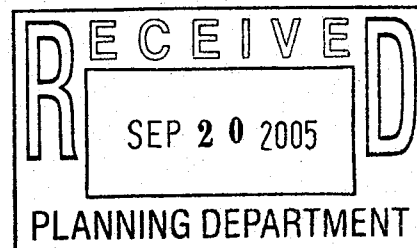


Loudoun County Department of Fire-Rescue

16600 Courage Court
Leesburg, Virginia 20175
(703) 777-0333

Memo

To: Van Armstrong, Project Manager
From: Maria Figueroa, Fire-Rescue Planner
Date: September 19, 2005
Re: Brambleton Brandt Property
ZMAP 2004-0018 & SPEX 2004-0041
24



Thank you for the opportunity to review the above captioned application to rezone approximately 94 acres from R-1 to PD-H4 and PD-CC (SC) as well as a Special Exception to develop a small commercial center. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objections to the application as presented.

The GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Arcola VFRC Station 9 Miles	Arcola VFRC Station 9 Travel Time
201-28-2115	Brambleton Brandt	1.55	3 minutes

The Travel Times for each project were calculated using ArcView and the Network Analyst extension to calculate the distance in miles. This distance was then doubled to provide an approximate travel time for a Fire or EMS unit to reach each project site. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied, another one to three minutes should be added.

Project name	Approximate Response Time for Arcola VFRC Station 9
Brambleton Brandt	5 minutes

We did not receive comments from the first due fire and rescue company; however, we recommend the applicant would consider a contribution to the volunteer fire and rescue company in accordance with current criteria. If you have any questions or need additional information, please contact me at 703-777-0333.

C: Howard Dawley Danielle Gotthardt Mike Kalasanckas Project file

A-40



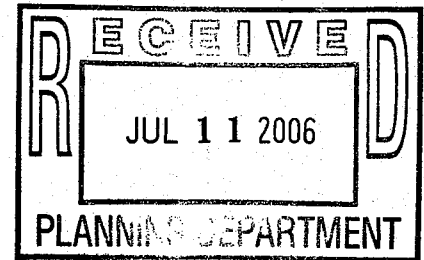
LOUDOUN COUNTY, VIRGINIA
Department of Fire – Rescue And Emergency Management

803 Sycolin Road, Suite 104
Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



MEMORANDUM

To: Mike Elabarger, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: July 10, 2006
Subject: Brambleton Brandt Property
ZMAP 2004-0024 & ZCPA 2004-0041
Second Referral



Thank you for the opportunity to review the Applicant's response to our referral comments dated September 19, 2005. The Fire and Rescue Planning Staff and the Fire Marshal's Office have no further comments after review of the second submission.

If you have any questions or need additional information, please contact me at 703-777-0333.

C Project File



880 Harrison Street, SE • P.O. Box 4000 • Leesburg, Virginia 20177-1403 • www.lcsa.org

August 25, 2005

Mr. Van Armstrong
Department of Planning
1 Harrison Street, S.E.
P. O. Box 7000
Leesburg, Virginia 20177-7000

Re: **ZMAP-2004-0024 and SPEX-2004-0041, Brambleton, Brandt Property**

Dear Mr. Armstrong:

The Sanitation Authority has reviewed the referenced Zoning Map Amendment Petition and Special Exception applications. Prior to approval of this application, the proposed water and sanitary sewer layout and source of access to existing facilities need to be shown on the concept development plan.

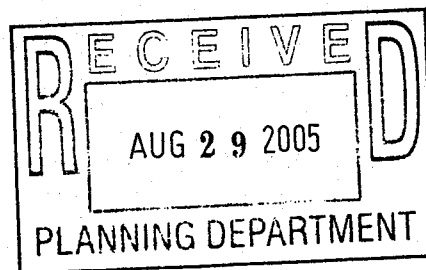
Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority. Public water and sanitary sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Should you have any questions, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohammed A. Shammet", is written over a circular stamp or seal.

Mohammed A. Shammet, P.E.
Senior Project Engineer

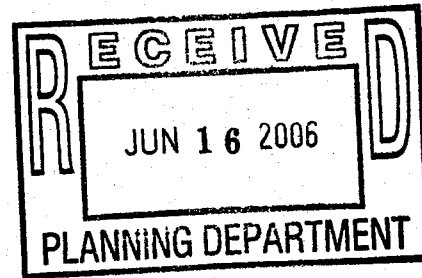


A-42



880 Harrison Street, SE • P.O. Box 4000 • Leesburg, Virginia 20177-1403 • www.lcsa.org

June 15, 2006



Mr. Michael Elabarger
Department of Planning
1 Harrison Street, S.E.
P. O. Box 7000
Leesburg, Virginia 20177-7000

Re: **ZMAP-2004-0024 and SPEX-2004-0041, Brambleton, Brandt Property**

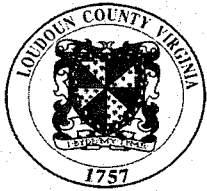
Dear Mr. Elabarger:

The Sanitation Authority has reviewed the referenced Zoning Map Amendment Petition and Special Exception applications and finds that our previous comments of August 25, 2005, have not been addressed. While the applicant's response to comments "acknowledges" our comment, the proposed water and sanitary sewer layout and source of access to existing facilities still need to be shown on the concept development plan prior to approval of this application.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Marc I. Schwartz, P.E.
Manager, Department of Land
Development Programs



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000



Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

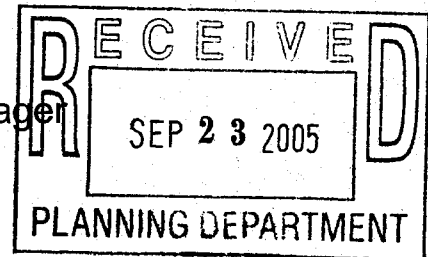
Community & Occupational Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

21 September 2005

MEMORANDUM TO: Van Armstrong, Project Manager
Department of Planning

FROM:

Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health



SUBJECT: ZMAP 2004-00²⁴17 & SPEX 2004-0041; Brambleton
Brandt Property
LCTM: 91/24 (PIN 201-28-2115)

The Health Department recommends approval of this application. The applicant should be aware that there are several septic tanks and wells which will have to be abandoned prior to approval of any final site plan or record plat. The abandonment must be preceded by application for and issuance of free permits from this office. The plat reviewed was prepared by Urban Engineering and was dated April 20045.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdygd.ref

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: September 12, 2005
TO: Van Armstrong, Project Manager
THRU: Art Smith, Senior Coordinator *AS*
FROM: George Phillips, Senior Transportation Planner *GP*
SUBJECT: ZMAP 2004-0024/SPEX 2004-0041, Brambleton Brandt Property (First Referral)

Location: West of Route 659 Relocated, south of Ryan Road and bisected by the planned Route 621 Relocated (See Attachment 1).

Background

The applicant, Brambleton Land Acquisition, LLC, is seeking a rezoning of a 94-acre parcel from R-1 to PD-H4 and a special exception for the development of a small commercial center. This would include development of 113 single family detached units, 125 single family attached units and development of a 74,000 square foot commercial center which would include a 60,000 assisted living facility, three drive thru fast food restaurants, a service station with pumps and car wash and a pharmacy. The applicant has submitted a traffic study dated December 22, 2004 by Wells & Associates, a zoning concept plan dated April 11, 2005 by Urban Engineering & Associates, Inc. and a statement of justification dated December 30, 2004.

Existing & Proposed Road Network

The site is located at the future intersection of Route 659 Relocated and Route 621 Relocated (The East-West Connector Road). Neither of these roads currently exists but would be constructed with adjacent developments including this proposed development. The Countywide Transportation Plan (See Attachment 2) calls for this portion of Route 659 Relocated to be a six-lane

A-45

divided minor arterial within 120 feet of right-of-way and include right & left turn lanes at all major intersections, a 60 mph design speed and desirable median crossover spacing of 1,100 feet in the vicinity of the site. Bicycle accommodations are also to be considered in the design and may require additional right-of-way. The East West Connector Road is to serve as a northern bypass for the Village of Arcola. It is planned as a rural four-lane median divided major collector within a 120-foot wide right of way, turn lanes at all intersections, a 40-MPH design speed and desirable median cross over spacing of 700 feet. Bicycle accommodations must be considered in the design and may require additional right-of-way. At this time, neither of these facilities are included in the VDOT Secondary Road Program. They are proffered to be constructed by the approved Brambleton development on-site to that project. The site is currently served by Route 621 (Evergreen Mills Road), a two lane shoulder and ditch road approximately 21-22 feet wide in the vicinity of the site. Based on the latest available (2004) VDOT traffic count data this road segment carries 6,300 annual average daily vehicle trips. .

Trip Generation Information

Based on ITE rates applied to the information provided in the applicant's concept plan, only part of the trip generation could be estimated. The proposed single family detached, single family attached, the three drive thru fast food restaurants, the pharmacy (retail) and service station/car wash would generate 959 a.m. peak hour, 935 p.m. peak hour and 13,959 daily trips. However, this does not include the 60,000 square foot assisted living facility which couldn't be calculated without the room totals. The by-right/approved uses would generate 301 a.m. peak, 389 p.m. peak hour and 2,920 daily vehicle trips.

Transportation Comments

1. The applicant's proposed development plan is not consistent with the land uses included in the traffic study. For example, on Table 7 of the traffic study, a drive in bank is assumed and one 7,000 square foot fast food restaurant with drive through. In addition no mention is made in the study of the 60,000 square foot assisted living facility or the pharmacy. The study does include a hotel which is not included in the application description. Also, the assisted living facility needs to be clarified in terms of the number of rooms in order to calculate trip generation. In any event, the traffic study will need to be revised to be consistent with the proposed development plan and the proposed development plan needs further clarification.

2. The development of this property cannot proceed until Brambleton has implemented improvements to move forward to Phase 2 of its development. This would include construction of Route 659 Relocated to Route 50 and the East West Connector Road east to the future Loudoun County Parkway. In addition, the applicant can't take proffer credit for roads built by Brambleton or other developments. The applicant will need to provide improvements which alleviate the projected traffic it produces.
3. The applicant needs to construct adequate access to serve this site. What is the proposed access initially? Please clarify. At a minimum, four lanes of the East-West Connector Road should be constructed between existing Route 621 at the western edge of the site east to existing Route 659 and Route 659 Relocated should be constructed as a two lane road between Route 772 and Route 621. The implications of the site traffic to adjacent needs to be clarified. In addition, the phasing of off site roads which need to be in place needs to be clarified (Loudoun County Parkway between Route 772 and Route 50, Creighton Road, etc.) A level of service D needs to be maintained and multiple access points available. This can't be fully determined, however, until the actual development is determined and studied.
4. In order to accommodate the future widening of Route 659 Relocated and Route 621 Relocated, the applicant needs to dedicate 60 feet from the road centerline along both properties plus right-of-way required for right turn lanes. In addition, the applicant needs to provide all necessary construction related easements including drainage, grading and utility easements.
5. The applicant needs to contribute to traffic signals at the existing and future intersections of Route 621/East-West Connector, Route 659 Relocated/Route 621 Relocated and the proposed site entrances. Other signal contributions may also be in order.
6. The applicant needs to provide for bicycle and trail connections along Route 659 Relocated and Route 621 Relocated within the site and ensure that they connect with approved sidewalks/trails on the adjacent parcels including Brambleton.
7. In order to facilitate transit facilities and service in the future, a \$500 per unit contribution is recommended. This could also take the form of capitol improvements such as provision of a bus shelter, a park & ride lot or purchase of buses.
8. The concept plan shows several proposed private roads within the site and three private street interparcel connections to the north. Has the applicant coordinated with the property to the north regarding maintenance

responsibilities and the right of mutual access? Please clarify. Also, please note that the proposed private streets will need to be maintained by the property owners. VDOT and Loudoun County would not be responsible for ownership or maintenance. Finally, the private streets must be constructed in accordance with the Loudoun County Facilities Standards Manual.

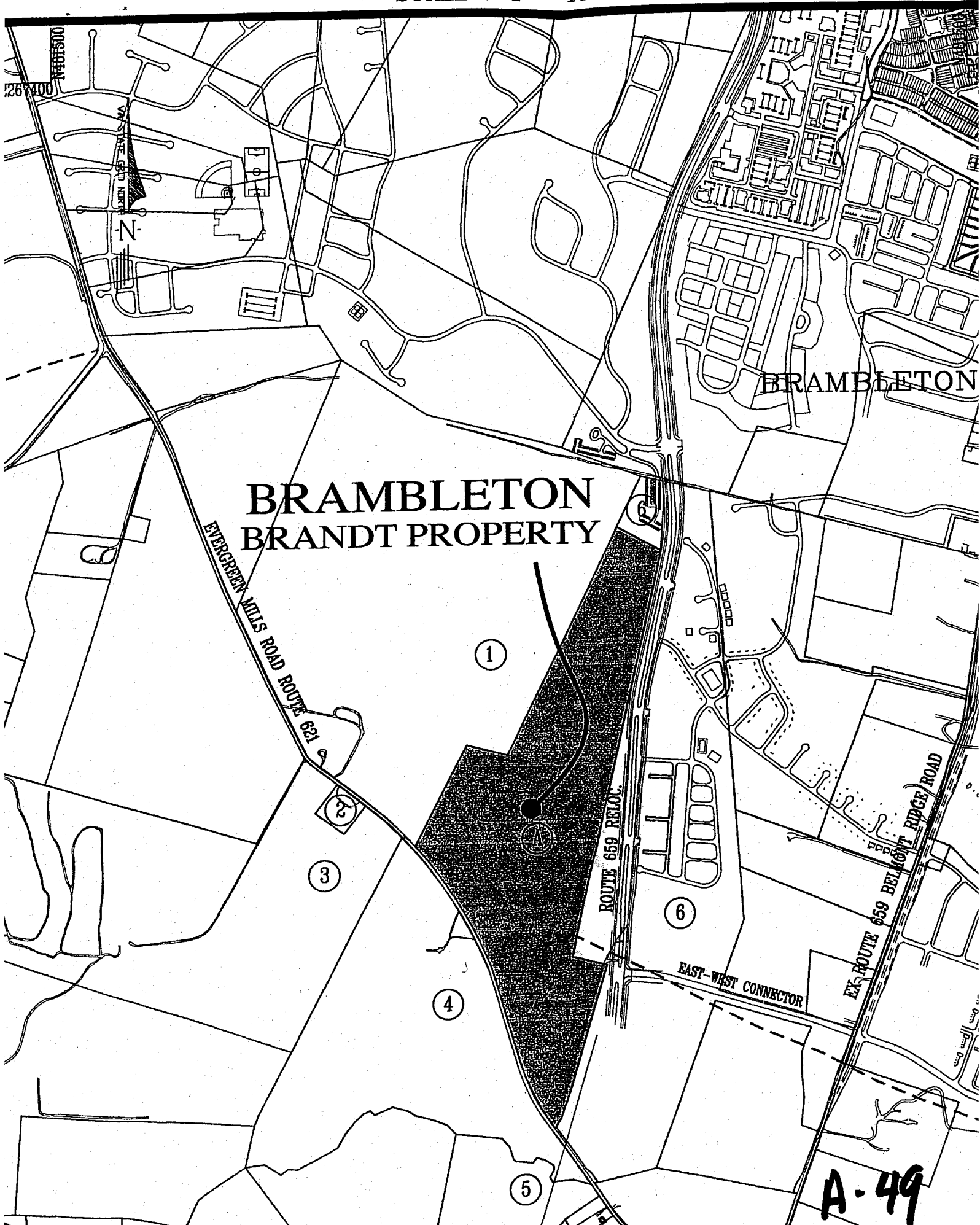
9. This application needs to be understood in light of the totality of Brambleton proffers. This would include improvements necessary for the Brambleton project to move to its second phase.

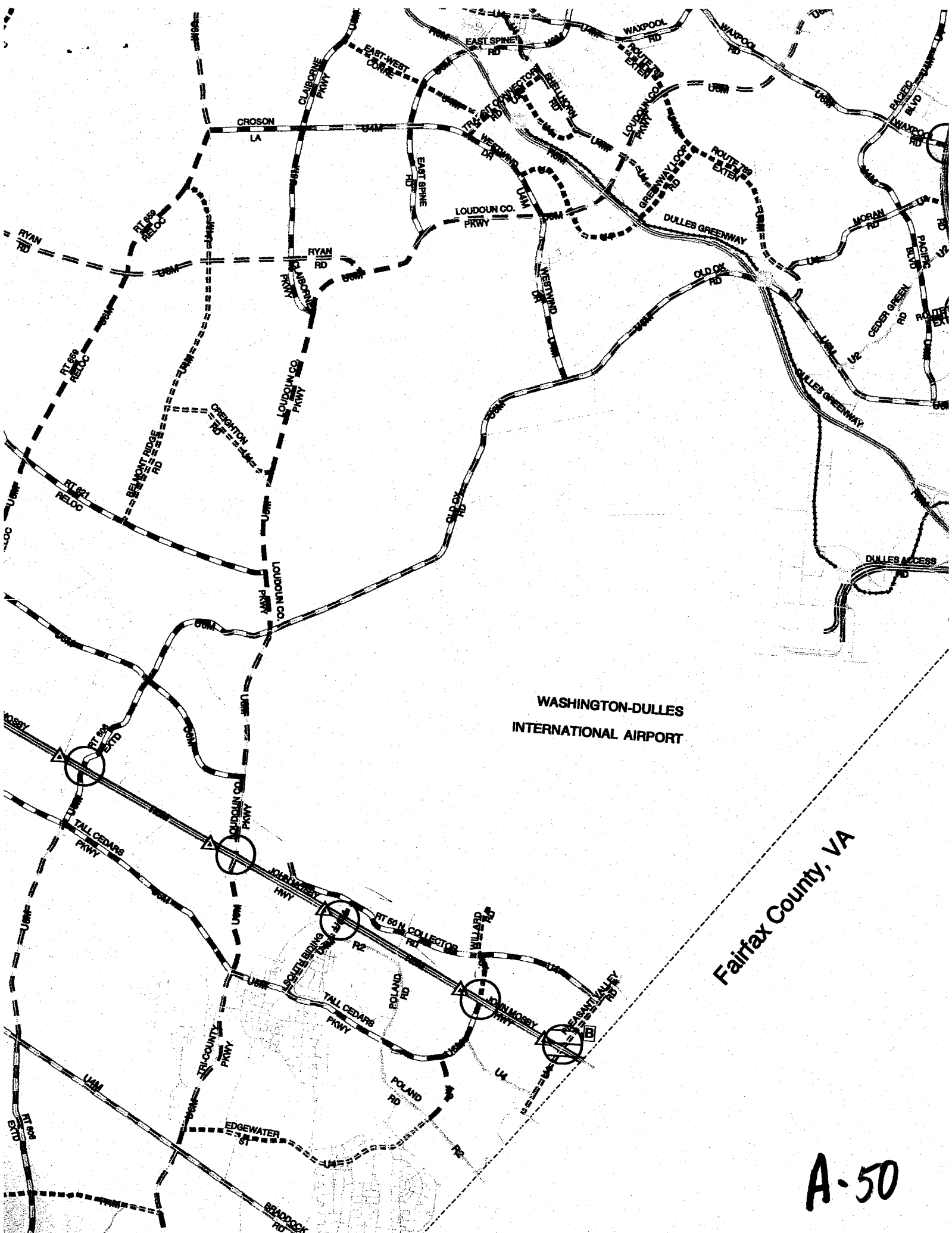
Recommendation

The Office of Transportation Services does not have a recommendation at this time. The development plan of the applicant needs to be clarified and various issues addressed. OTS staff is available to meet with the applicant and Planning to further discuss these issues.

C Drive, Brambleton Brandt Property ZMAP 2004-0024/SPEX 2004-0041

SCALE : 1" = 1000'





WASHINGTON-DULLES
INTERNATIONAL AIRPORT

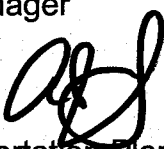
Fairfax County, VA


A-50

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: July 10, 2006

TO: Michael Elabarger, Project Manager

THRU: Art Smith, Senior Coordinator 

FROM: George Phillips, Senior Transportation Planner 

SUBJECT: ZMAP 2004-0024/SPEX 2004-0041, Brambleton Brandt Property (Second Referral)

Location: West of Route 659 Relocated, south of Ryan Road and bisected by the planned Route 621 Relocated (See Attachment 1).

Background

In response to initial comments from the Office of Transportation Services (OTS) from September 12, 2005, the applicant, Brambleton Land Acquisition, LLC, has provided response comments dated May 15, 2006, a revised traffic study dated May 10, 2006 by Wells & Associates, a revised zoning concept plan dated May 12, 2006 by Urban Engineering & Associates, Inc. , a revised statement of justification dated May 22, 2006 and draft proffers also dated May 22, 2006. Discussed below is the original issue raised by OTS, the applicant's response and whether the applicant has adequately addressed the issues raised.

Transportation Comments

1. The applicant's proposed development plan is not consistent with the land uses included in the traffic study. For example, on Table 7 of the traffic study, a drive in bank is assumed and one 7,000 square foot fast food restaurant with drive through. In addition no mention is made in the study of the 60,000 square foot assisted living facility or the pharmacy. The study does include a

A-51

hotel which is not included in the application description. Also, the assisted living facility needs to be clarified in terms of the number of rooms in order to calculate trip generation. In any event, the traffic study will need to be revised to be consistent with the proposed development plan and the proposed development plan needs further clarification. **The applicant has provided a revised study which addresses the above issue.**

2. The development of this property cannot proceed until Brambleton has implemented improvements to move forward to Phase 2 of its development. This would include construction of Route 659 Relocated to Route 50 and the East West Connector Road east to the future Loudoun County Parkway. In addition, the applicant can't take proffer credit for roads built by Brambleton or other developments. The applicant will need to provide improvements which alleviate the projected traffic it produces. **The applicant notes that they are providing a comprehensive approach to building an adequate road network including constructing Route 621 Relocated (The East-West Connector) between Route 621 and Route 659 Relocated. The applicant has specifically included in the draft proffers to construct this road as a four lane divided road along their frontage for this application and provide \$17,130 per unit towards the Brambleton Transportation Improvement Fund. This raises several issues. First, the eventual construction of Route 621 Relocated between Route 621 and Route 659 Relocated will not help alleviate the additional site traffic placed on Route 621 eastbound through the Village of Arcola. Please note that the traffic study assumes that over 60% of the site traffic will access to site to and from Route 607 and Route 772 to the east. Without the Route 621 Relocated connection, existing Route 621 is the most direct Route. Only the extension of Route 621 Relocated east to the Loudoun County Parkway will provide the full relief. How will the applicant address this issue with this particular application? Second, the applicant proposes to provide \$17,130 per residential unit to the Brambleton Transportation Fund. How was this contribution amount arrived at? By providing this contribution to the Brambleton Trust Fund, who would actually decide how/where this money is spent? Why wasn't a per square foot contribution made for the proposed commercial uses? Please clarify.**
3. The applicant needs to construct adequate access to serve this site. What is the proposed access initially? Please clarify. At a minimum, four lanes of the East-West Connector Road should be constructed between existing Route 621 at the western edge of the site east to existing Route 659 and Route 659 Relocated should be constructed as a two lane road between Route 772 and Route 621. The implications of the site traffic to adjacent needs to be clarified. In addition, the phasing of off site roads which need to be in place needs to be clarified (Loudoun County Parkway between Route 772 and Route 50,

Creighton Road, etc.) A level of service D needs to be maintained and multiple access points available. This can't be fully determined, however, until the actual development is determined and studied. **The applicant notes that the site will be accessed by three site driveways along Route 659 Relocated and two site driveways along the proposed East-West Connector. The applicant also notes the construction of the East-West Connector between Route 621 and Route 659 Relocated. Please see comment #2 for OTS issues including the recommendation for Route 621 Relocated to be constructed east to the Loudoun County Parkway.**

4. In order to accommodate the future widening of Route 659 Relocated and Route 621 Relocated, the applicant needs to dedicate 60 feet from the road centerline along both properties plus right-of-way required for right turn lanes. In addition, the applicant needs to provide all necessary construction related easements including drainage, grading and utility easements. **The applicant notes that they don't control the adjacent narrow parcel along Route 659 Relocated which is not subject to this application. However, this land appears to be owned by Brambleton LLC. The clarification question is, has adequate right of way already been dedicated for this road by Brambleton LLC? Please clarify. The applicant also notes that Route 621 Relocated is planned to be a four lane divided road and that only 42 feet of dedication is needed. The applicants plat shows 86 feet total rather than the 90 feet which is typical. What is the reason for the 86 foot wide right of way? Would VDOT accept this narrower right of way for an urban four land divided road? Please clarify.**
5. The applicant needs to contribute to traffic signals at the existing and future intersections of Route 621/East-West Connector, Route 659 Relocated/Route 621 Relocated and the proposed site entrances. Other signal contributions may also be in order. **The applicant has acknowledged this assuming they are warranted by VDOT. The applicant would consider contributing the monies necessary for these traffic signals to the Brambleton Transportation Improvement Fund which would be used for transportation improvements in the vicinity of the greater Brambleton community and with credit given for capital facilities. The specific contributions need further discussion between staff and the applicant.**
6. The applicant needs to provide for bicycle and trail connections along Route 659 Relocated and Route 621 Relocated within the site and ensure that they connect with approved sidewalks/trails on the adjacent parcels including Brambleton. **The applicant shows trails along Route 659 Relocated and the East-West Connector on Sheets 8 and 9 and they are mentioned in the draft proffers. These are desirable features which should be maintained. The trail along Route 659 Relocated appears to meander in/out of the property boundary. Has the Brambleton Group LLC**

committed to build this trail on their property? Are these proposed trails 8-10 feet wide to accommodate bicyclists and pedestrians? Please clarify.

7. In order to facilitate transit facilities and service in the future, a \$500 per unit contribution is recommended. This could also take the form of capital improvements such as provision of a bus shelter, a park & ride lot or purchase of buses. **The applicant notes discussions with Art Smith of OTS, noting that they desire to apply mass transit contributions towards the construction of the Loudoun County Parkway and other related improvements through the Brambleton Transportation Fund. However, this does not address transit needs in this area. Further discussion is needed between staff and the applicant.**
8. The concept plan shows several proposed private roads within the site and three private street interparcel connections to the north. Has the applicant coordinated with the property to the north regarding maintenance responsibilities and the right of mutual access? Please clarify. Also, please note that the proposed private streets will need to be maintained by the property owners. VDOT and Loudoun County would not be responsible for ownership or maintenance. Finally, the private streets must be constructed in accordance with the Loudoun County Facilities Standards Manual. **The applicant notes that this property is an extension of the Brambleton Community and that it would be under the auspices of the Brambleton Homeowners Association. The applicant also notes that the private streets will be constructed in accordance with the Loudoun County Facilities Standards Manual (FSM). Provided that it is clarified that Loudoun County and VDOT would not be responsible for maintenance of these private streets, there is no outstanding issue**
9. This application needs to be understood in light of the totality of Brambleton proffers. This would include improvements necessary for the Brambleton project to move to its second phase. **The applicant notes again that they have had several meetings with Art Smith of OTS regarding the status of Brambleton and that they are available to answer any further questions.**

Recommendation

The Office of Transportation Services does not have a recommendation at this time. The development plan of the applicant needs to be clarified and various issues addressed. OTS staff is available to meet with the applicant and Planning staff to further discuss these issues.

C Drive, Brambleton Brandt Property ZMAP 2004-0024/SPEX 2004-0041/Second Referral